

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**JOHNNY WAYNE KOLANDER,**

**Plaintiff,**

**v.**

**Case No. 20-CV-445-JFH-KEW**

**COMMISSIONER OF THE SOCIAL  
SECURITY ADMINISTRATION,**

**Defendant.**

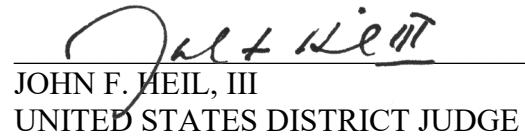
**ORDER**

Before the Court is the Findings and Recommendation of United States Magistrate Judge Kimberly E. West reviewing Plaintiff's Motion for Attorney Fees Under the Equal Access to Justice Act, 28 U.S.C. § 2412(d) ("EAJA"). Dkt. No. 29.

Neither party objected to Magistrate Judge West's Findings and Recommendation within the 14-day period prescribed by 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b). Having reviewed the Findings and Recommendation, the Court concurs with Magistrate Judge West's recommendation, and accepts and adopts it as the order of the Court. On that basis, the Court finds that Plaintiff's Motion for Attorney Fees Under the EAJA [Dkt. No. 29] is GRANTED.

IT IS THEREFORE ORDERED that Plaintiff's counsel be awarded fees in the amount of \$9,809.15 to be paid by Defendant to Plaintiff as the prevailing party. *Manning v. Astrue*, 510 F.3d 1246, 1255 (10th Cir. 2007); 28 U.S.C. § 2412(b). Should Plaintiff's counsel ultimately be awarded attorney's fees pursuant to 42 U.S.C. § 406(b)(1), counsel shall refund the smaller amount to Plaintiff. *Weakley v. Bowen*, 803 F.2d 575, 580 (10th Cir. 1986).

Dated this 10<sup>th</sup> day of November 2022.

  
\_\_\_\_\_  
JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE